

(4) On 7-20-59, defendants Bo Wilkerson and Ben Hutchison traveled to Chicago, Ill., and obtained unknown quantities of *amphetamine sulfate tablets*;

(5) On 7-22-59, defendant Bo Wilkerson sold to a Government agent, at Wyatt, Mo., without the required prescription, a large quantity of *amphetamine sulfate tablets* in unlabeled containers and had on hand a large supply of *amphetamine sulfate tablets* in unlabeled containers;

(6) On 8-10-59, telephone contact was made by defendant Ben Hutchison from Cairo, Ill., to defendant Vincent J. Zuckerman;

(7) On 8-18-59, defendant Bo Wilkerson dispensed to a Government agent at Wyatt, Mo., without the required prescription, a quantity of *amphetamine sulfate tablets* in unlabeled containers;

(8) On 9-23-59, defendant Bo Wilkerson dispensed to a Government agent, at Wyatt, Mo., without the required prescription, a quantity of *amphetamine sulfate tablets* in unlabeled containers;

(9) Within the period from 4-8-59 to 10-29-59, defendants A.C.D. Medical Supply, Inc., and Vincent J. Zuckerman, caused to be delivered to defendants Bo Wilkerson and Ben Hutchison unknown quantities of *amphetamine sulfate tablets* in labeled and partially labeled bottles and boxes.

The information alleged further, in two other counts, that the defendants, on 4-8-59, caused quantities of *amphetamine sulfate tablets*, which had been shipped in interstate commerce, to be dispensed without a prescription and on 8-5-59, caused quantities of *amphetamine sulfate tablets*, which were manufactured in the State of Missouri from ingredients shipped in interstate commerce, to be dispensed without a prescription.

PLEA: Guilty by all defendants.

DISPOSITION: 4-8-60. A.C.D. Medical Supply, Inc.—\$3,000 fine; Zuckerman—1 year's imprisonment.

5-6-60. Wilkerson and Hutchison were each fined \$2,000, plus costs.

6408. (F.D.C. No. 43258. S. Nos. 1-209 P, 1-244 P, 56-297 P, 56-330 P.)

INFORMATION FILED: 10-27-59, S. Dist. Ga., against Clayton Jones, Helena, Ga.

CHARGE: Between 1-12-59 and 3-10-59, *amphetamine sulfate tablets* were dispensed 4 times without a prescription.

PLEA: Guilty.

DISPOSITION: 1-18-60. \$1,000 fine and probation for 2 years.

6409. (F.D.C. No. 42482. S. Nos. 63-062/6 P, 74-662 P, 74-665/7 P, 74-669/70 P.)

INFORMATION FILED: 10-30-59, N. Dist. Ill., against Robert Rubin Yablon, t/a Sharon Rexall Drugs, Chicago, Ill., Paul Lawrence (a truck driver), and Pola Lawrence.

CHARGE: The information (count 1) alleged that, commencing on 7-19-59 and continuing to the date of the filing of the information, the defendants conspired and agreed with each other and with other unknown persons to commit offenses against the United States with respect to the unlawful dispensing of quantities of amphetamine drugs while held for sale after shipment in interstate commerce, thereby causing the drugs to become misbranded; and that it was a part of the conspiracy for the defendants to purchase large quantities of amphetamine drugs which had been shipped in interstate commerce, to

sell the drugs to customers without a physician's prescription and to deliver the drugs to customers in unlabeled bottles and containers.

It was alleged further that in furtherance of the conspiracy and to effect the objects thereof that the defendants committed the following overt acts:

- (1) On 7-23-59, a telephone conversation was held between a Government inspector and Mrs. Pola Lawrence, during which Mrs. Lawrence agreed to supply the inspector with amphetamine drugs and to deliver these drugs to the inspector at a shopping area located in Chicago, Ill.
- (2) Approximately one hour after this telephone conversation, Mrs. Pola Lawrence drove to the Sharon Rexall Drug Store, Chicago, Ill., which store she entered and within a few minutes came out carrying a large handbag.
- (3) Mrs. Lawrence then re-entered the automobile and drove to a parking area located at the aforesaid shopping area where she left the automobile and, carrying a package, entered another drug store.
- (4) Mrs. Lawrence was observed entering this drug store and was met by Government inspectors. Mrs. Lawrence and the inspectors immediately left this store and went to an automobile parked outside, at which location a large quantity of the prescription drug, amphetamine, was sold to the inspectors, in unlabeled bottles, by Mrs. Lawrence, as previously arranged.
- (5) On 8-7-59, a conversation was held between Paul Lawrence, his wife, Mrs. Pola Lawrence, and an investigator in the Lawrences' automobile parked in a parking lot in Grovertown, Ind. During this conversation, Paul Lawrence advised the investigator on the techniques of selling amphetamine drugs, also the best localities in which to find prospective customers, and offered to introduce the investigator to his source of supply in exchange for \$250.00.
- (6) On the afternoon of 8-14-59, a telephone conversation was held between Government inspectors and Paul Lawrence during which arrangements were made to have Mr. Lawrence deliver a supply of amphetamine drugs to the inspectors.
- (7) Later the same day, 8-14-59, Paul Lawrence accompanied by his wife, Mrs. Pola Lawrence, arrived at a pre-arranged meeting place, located on U.S. Highway 30, Wanatah, Ind., at which time the Lawrences sold to the inspectors a large quantity of the prescription drug, amphetamine, in unlabeled bottles.
- (8) On 8-14-59, Paul Lawrence made arrangements to introduce the inspectors to his source of supply, a druggist, for \$200.00.
- (9) On 8-18-59, Paul Lawrence, in exchange for \$200.00, took Government inspectors to Sharon Rexall Drugs, Chicago, Ill., and introduced them to the manager and owner of this drug store, Robert Rubin Yablon, a registered pharmacist, as truck stop peddlers who Lawrence vouched for, and to whom Yablon could sell amphetamines without fear of detection. Yablon then, in the presence of Paul Lawrence, sold the inspectors large quantities of amphetamine drugs in unlabeled bottles.
- (10) On 8-25-59, inspectors made arrangements by phone with Robert Rubin Yablon, owner and manager of Sharon Rexall Drugs, to purchase 30,000 amphetamine tablets, which were sold to them by Yablon later in the day, 8-25-59.

The information alleged also (counts 2 to 12 inclusive) that between 7-19-59 and 8-25-59, *dextro-amphetamine sulfate tablets* (counts 4, 5, 7, 8, 9, and 11) were dispensed 6 times, and *amphetamine sulfate tablets* (counts 2, 3, 6, 10 and 12) were dispensed 5 times in unlabeled bottles without a prescription.

PLEA: Nolo contendere by Yablon to counts 1, 7, 8, 9, 10, 11, and 12; guilty by Paul Lawrence and Pola Lawrence to counts 1, 2, 3, 4, 5, 6, 9, and 10.

DISPOSITION: 6-16-60. Yablon—\$700 fine, plus costs, and probation for 3 years; Paul Lawrence—probation for 2 years; Pola Lawrence—probation for 1 year.

6410. (F.D.C. No. 44346. S. Nos. 57-214 P, 57-220 P, 71-945 P, 72-308 P.)

INFORMATION FILED: 7-26-60, N. Dist. Fla., against Gilford L. Hill, and Grover Hamilton (employees of a truck stop at Grand Ridge, Fla.).

CHARGE: Between 10-9-59 and 10-27-59, *dextro-amphetamine sulfate tablets* (counts 1 and 2) were dispensed twice and *amphetamine sulfate tablets* (counts 3 and 4) were dispensed twice without a prescription.

PLEA: Guilty by Hill to all counts and by Hamilton to counts 3 and 4.

DISPOSITION: 12-14-60. Hill—4 years imprisonment; Hamilton—probation for 3 years.

6411. (F.D.C. No. 43720. S. Nos. 50-871 P, 50-873/4 P, 50-877 P.)

INFORMATION FILED: 6-29-60, W. Dist. Mich., against Nicholas S. Bander, t/a Banders Drug Store, Grand Rapids, Mich., and Henry L. Nibbelink (pharmacist).

CHARGE: Between 2-11-59 and 2-21-59, *dextro-amphetamine sulfate tablets* were dispensed 3 times (counts 1, 2, and 3) and *tablets containing amphetamine sulfate and phenobarbital* (count 4) were dispensed once without a prescription.

PLEA: Not guilty by Bander to all counts; and by Nibbelink to counts 1, 2, and 3.

DISPOSITION: On 9-12-60, the case against both defendants came on to trial before the court and a jury and, on 9-14-60, the jury returned a verdict of guilty against Nibbelink as to count 3 but was unable to agree on a verdict against either defendant as to the remaining counts.

On 10-12-60, Defendant Bander pleaded guilty to count 4 and was fined \$750. The remaining counts against him were dismissed.

Also on 10-12-60, Defendant Nibbelink was fined \$350 on count 3 and the remaining counts against him were dismissed.

6412. (F.D.C. No. 44279. S. Nos. 45-675/6 P.)

INFORMATION FILED: 12-15-60, N. Dist. Tex., against Houston Deford, t/a D & D Pharmacy No. 2, Amarillo, Tex., and Jerry Ammerman (pharmacist).

CHARGE: Between 2-14-59 and 3-3-59, *Dexedrine Sulfate tablets* were dispensed twice upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty by Deford and Ammerman to dispensing the tablets one time each.

DISPOSITION: 2-21-61. \$500 fine against Deford and \$100 fine against Ammerman.

6413. (F.D.C. No. 43694. S. Nos. 56-591 P, 56-605 P, 56-609 P, 71-788 P.)

INFORMATION FILED: 12-3-59, S. Dist. Fla., against John M. Carter, (a partner in the partnership of Carter's Pharmacy), Sarasota, Fla., and Clinton P. Smith (pharmacist).